

DEPARTMENT OF WORKFORCE DEVELOPMENT
DIVISION OF ECONOMIC SUPPORT
ADMINISTRATOR'S MEMO SERIES
99-03

NOTICE
January 26, 1999

DISPOSAL DATE: 12/31/99

RE: UPDATED INFORMATION
ON RIGHT OF FIRST
SELECTION FOR THE NEXT
W-2 CONTRACTS

To: W-2 Agency Directors

From: J. Jean Rogers /s/
Administrator

This memo includes clarifications and revisions to assist Wisconsin Works (W-2) agencies in meeting Right of First Selection for the next W-2 Contract, based on feedback received from W-2 agencies. With the addition of these clarifications and revisions, the Right of First Selection benchmark criteria previously outlined in Administrator's Memos 98-32 and 98-38 are still in effect.

A. Financial Right of First Selection

The Additional Factors for Small Office Expenses or Ratio of Expenses are revised as follows:

1. W-2 Agencies Bigger than Small Offices: Cases included in this calculation will include child care only and diversion cases, in addition to the W-2 benefits, W-2 case management or the Food Stamp Employment and Training (FSET) cases.
2. FSET: (no change)
3. Significant Caseload Reduction During the Contract: Caseload reduction calculations will be based on reductions under both the W-2 Start-up Contract period (starting March 1, 1997) and the W-2 Implementation Contract period.
4. Exceptional Program: (no change)
5. Seasonal Employment: To supplement small office expenses and the ratio for expenses, an additional amount (up to ten percent) if the Division of Economic Support (DES) determines, based on seasonal employment data and a request and documentation submitted by the W-2 agency to the DES W-2 Contract Manager by February 5, 1999, that there are large amounts of seasonal employment in the W-2 agency's geographic area.

After Administration Cap, the sequence of the calculations for Financial Right of First Selection will be performed in the following order, continuing in the sequence to Ratio of Expenses only if the W-2 agency does meet the criteria under Small Office Expenses or Additional Factors for Small Office Expenses:

1. Small Office Expenses;

2. Additional Factors for Small Office Expenses (including W-2 Agencies Bigger than Small Offices);
3. Ratio of Expenses; and
4. Additional Factors for Ratio of Expenses.

B. Program Right of First Selection

As the Client Assistance Reemployment and Economic Support (CARES) system will close effective 5:00 PM, Friday, January 29, 1999 for the end of the month processing, all report criteria previously indicated as January 31, 1999, will be measured based on entries made by 5:00PM January 29, 1999. Updates or clarification to the Program Right of First Selection is as follows:

Base Criteria

1. Caseload Ratio: The criterion will be measured as of Friday, January 29, 1999.
2. Full Engagement: The criterion will be measured as of Friday, January 29, 1999. There may be some exceptions to this requirement due to medical limitations or other special circumstances. Workers may code the hours that individuals are unable to participate with the program activity code "physical rehabilitation (PR)." Although this code has primarily been used to describe medical physical rehabilitation, DES has indicated to use this code to reflect assigned activities such as bed rest or self-care, as the code is not used for federal reporting requirements. Detailed documentation must be included on the appropriated CARES screens, employability plan (EP) and evidence of continued contact indicated on Case Comments (CMCC). Participants who have been appropriately assigned, as per a medical or other professional, to 30 or more hours of activities such as mental health counseling (CM), Alcohol and Other Drug Abuse (AODA) counseling (CA), or caring for a disabled child (CD), are not required to be included on the list of cases for the exception review.
Cases that are granted an exception, result in a reduction of the total number of cases considered in the Full Engagement criteria and the resulting ratio. For example, a W-2 agency with 100 W-2 employment position cases requires 80 cases to meet the Full Engagement criteria. The W-2 agency submits 25 cases to be reviewed to meet the exception criteria. All 25 cases are approved, reducing the total cases to 75 and leaving a 60/15 case ratio.
3. CARES Employability Plans: This criterion will be measured as of Friday, January 29, 1999. [NOTE: This change of date ensures that employability plans with an expiration date of January 31, 1999 are not included in the cases being reviewed for Program Right of First Selection.]
4. Recidivism: (no change)

Best Practice Criteria

1. Provider Services (no change)
2. Special Projects (no change)
3. Child Care Provider Information (no change)
4. Pursuit of General Equivalency Diploma/High School Equivalency Diploma: This criterion will be measured as of January 29, 1999.

C. Discrepancy Review Process

While DES Right of First Selections criteria/standards themselves cannot be revisited, (see note below) a discrepancy review process has been developed in order that W-2 agencies can question

areas where they feel DES may have made a calculation error, or has misinterpreted or overlooked pertinent information on CARES or Community Aids Reporting System (CARS).

[NOTE: The DES RFS criteria/standards include:

- The Financial and Program RFS criteria/benchmarks;
- The requirement for 16 months of CARS reports receipt;
- CARS reports data compilation;
- Appendix C of the Wisconsin Works Implementation Contract (W-2 Contract);
- Deobligation of adjustments beyond prior consideration;
- Financial RFS add-on criteria will only be allowed if the agency has met the Program RFS criteria;
- CARES case updates not completed by identified deadlines;
- RFS documentation not been submitted to the DES W-2 Contract Manager by 4:30 PM, on Friday, January 29, 1999;
- Any request for review of exception cases not submitted to the DES W-2 Contract Manager by 4:30 PM on January 29, 1999;
- CARES entries on appropriate screens, including case comments on CMCC, to support exception cases not completed by the identified deadline dates.]

W-2 agencies who have not met the Right of First Selection (RFS) based on the preliminary review by DES will be notified of the preliminary RFS finding. These notices will be issued in mid February 1999. The reason the W-2 agency has not met the RFS will be indicated. W-2 agencies who believe an error has been made regarding RFS may submit a discrepancy review request. Discrepancy review requests are only for criteria which the W-2 agency has not met, and would result in passing both the Financial and Program RFS criteria. The W-2 agency must submit the request in writing to the DES W-2 Contract Manager within five (5) work days of the issuance of the preliminary RFS finding notice.

The W-2 agency must submit sufficient information within the discrepancy review request to document the discrepancy without requiring review of any additional materials outside of the CARES or CARS systems. Discrepancy review requests must include the following:

1. For Financial Right of First Selection, the mathematical or calculation error by DES regarding any of the Financial RFS criteria.
2. For Program Right of First Selection:

Base Criteria

- Caseload ratio decisions based on EOS report CRP740RB which are believed to be in error, along with the FEP caseload's case number(s).
- Full Engagement decisions based on either the EOS report or the exception review, which are believed to be in error. The W-2 agency must submit any appropriate CARES screens to support the claim (e.g., case/PIN number, CMCC, ANIC, ANDI).
- Employability Plan decisions based on EOS report CRP748RB, which are believed to be in error, along with the supporting CARES case/PIN number, and the CARES Employability Plan.
- Recidivism decisions based on EOS report code CT04 or the exemption due to seasonal employment which are believed to be in error, along with the CARES case/PIN number.
- Agency Plan decisions which are believed to be in error, along with the Agency Plan item and an explanation why it is believed it meets the criteria.

Best Practices Criteria:

- Provider Service decisions which are believed to be in error, identifying the faith-based contracted service and an explanation why it is believed the contract meets the criteria.
- Special Project decisions which are believed to be in error and an explanation of why it is believed the special project meets the criteria.
- Child Care Provider decisions which are believed to be in error, and an explanation of why it is believed the special project meets the criteria.
- Pursuit of General Equivalency Diploma/High School Equivalency Diploma decisions based on EOS report code C767 which are believed to be in error, along with the CARES case/PIN number and appropriate screen to support the claim.

REGIONAL OFFICE CONTACT: DES Area Administrator

cc DES Bureau/Office Directors
DES Area Administrators/Assistant Area Administrators
Section Chiefs